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11 Attorneys for Plaintiff
GEORGE L. KIRBYSON

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION
15

16 GEORGE L. KIRBYSON,

17 Plaintiff,

18 v.

19 TESORO CORPORATION D.B.A TESORO
REFINING AND MARKETING COMPANY,
20 BRUCE SMITH, DAN PORTER, WILLIAM
BODNAR, BILL REITZEL, DANIEL
21 CARLSON, RICK RIOS, TAMMY MEAMBER,
DIANE DANIELS, LARRY ANGEL, UNITED
22 STEEL WORKERS, INTERNATIONAL UNION
LOCAL 5, JEFF CLARK, STEVE ROJEK, AND
23 DOES 1 THROUGH 200 INCLUSIVE,

24 Defendants.
25

CASE NO.: C-09-03990-SC

**JOINT STIPULATION TO VACATE
PRE-TRIAL CONFERENCE, HEARING
ON MOTIONS IN LIMINE AND TRIAL
DATE**

Courtroom 1, 17th Floor
Honorable Judge Samuel Conti

Complaint Filed: August 28, 2009
Pre-Trial Conference: January 13, 2012
Trial Date: January 23, 2012

26 TO THE HONORABLE SAMUEL CONTI, DISTRICT COURT JUDGE:
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Plaintiff George Kirbyson ("Plaintiff") and Defendant Tesoro Refining and Marketing Company ("Defendant" or "Tesoro"), through their respective counsel of record herein, stipulate and agree to the following:

WHEREAS, the pre-trial conference in this matter is scheduled on January 13, 2012;

WHEREAS, the parties' motions in limine are scheduled to be heard on January 13, 2012;

WHEREAS, this matter is scheduled for trial on January 23, 2012;

WHEREAS, the parties reached a settlement of the above-entitled case, subject to signing of Settlement Agreement and Request for Dismissal, and Plaintiff filed a Notice of Settlement on January 4, 2012;

WHEREAS, in light of the parties' settlement, the parties request that the Court vacate the pre-trial conference, hearing on the motions in limine, and trial date.

AGREEMENT

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

1. That the pre-trial conference and hearing on the parties' motions in limine, currently scheduled on January 13, 2012, and the trial, currently scheduled on January 23, 2012, be vacated.
2. If a dismissal in this case is not filed within forty-five (45) days of this stipulation, i.e., February 24, 2012, the Court will immediately reinstate this matter on the trial calendar and rule on the parties' motions in limine.

1 SO STIPULATED:

2 3 4 5 6 7 8	Dated: January 11, 2012	Michael S. Chamberlin Julie M. Capell Amy M. Gillinger FULBRIGHT & JAWORSKI L.L.P. By <u>/s/ Amy M. Gillinger</u> Amy M. Gillinger Attorneys for Defendant Tesoro Refining and Marketing Company
9 10 11 12 13	Dated: January 11, 2012	Shanan L. Hewitt RIVERA & ASSOCIATES By <u>/s/ Shanan L. Hewitt</u> Shanan L. Hewitt Attorneys for Plaintiff George L. Kirbyson

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15 I, Amy M. Gillinger, am the ECF User whose ID and password are being used to file this
16 joint Stipulation. In compliance with General Order 45, X.B., I hereby attest, through my
17 signature above, that Shanan Hewitt concurred in this filing.

18 19 20 21 22 23 24 25 26 27 28	Dated: January 11, 2012	Michael S. Chamberlin Amy M. Gillinger FULBRIGHT & JAWORSKI L.L.P. By <u>/s/ Amy M. Gillinger</u> Amy M. Gillinger Attorneys for Defendant Tesoro Refining and Marketing Company
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16 GEORGE L. KIRBYSON,

17 Plaintiff,

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DOES 1 THROUGH 200 INCLUSIVE,

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CASE NO.: C-09-03990-SC

~~[PROPOSED]~~ ORDER VACATING PRE-
TRIAL CONFERENCE, HEARING ON
MOTIONS IN LIMINE AND TRIAL
DATE

Courtroom 1, 17th Floor
Honorable Judge Samuel Conti

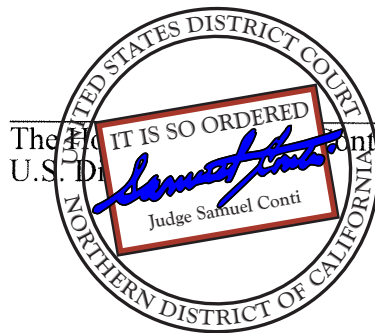
Complaint Filed: August 28, 2009
Pre-Trial Conference: January 13, 2012
Trial Date: January 23, 2012

The Court, having reviewed the Joint Stipulation submitted by the parties, and good cause appearing therefor, hereby grants the parties' Joint Stipulation as follows:

1. The pre-trial conference and hearing on the parties' motions in limine, currently scheduled on January 13, 2012, and the trial, currently scheduled on January 23, 2012, shall be vacated.
2. If a dismissal in this case is not filed within forty-five (45) days of this stipulation, i.e., February 24, 2012, the Court will immediately reinstate this matter on the trial calendar and rule on the parties' motions in limine.

IT IS SO ORDERED.

Dated: 1/12, 2012



The Court
U.S. District Court